

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

ELAINE CHAO, SECRETARY OF LABOR, )  
UNITED STATES DEPARTMENT OF LABOR, )  
  )  
  )  
Plaintiff,                         )  
                                      )  
                                      )  
vs.                                 )                                      No. 06-0309-CV-W-FJG  
                                      )  
                                      )  
VIDEO POST PRODUCTIONS, INC., 401(k) )  
PROFIT SHARING PLAN,                    )  
  )  
                                      )  
Defendant.                         )  
                                      )

**ORDER**

Currently pending before the Court is plaintiff's Motion for Default Judgment (Doc. # 5) filed on September 15, 2006. Defendant's response to the motion was due on October 2, 2006. To date defendant has failed to file suggestions in opposition or otherwise respond to the Motion. On October 17, 2006, the Court issued an Order to Show Cause and directed the defendant to show cause in writing by October 31, 2006, why plaintiff's Motion for Default Judgment should not be granted. The Court warned defendant that failure to comply with the Order would result in the Motion for Default Judgment being granted without further notice. Defendant has failed to comply with the Order to Show Cause or to file a Motion for Extension of Time to Comply with the Order.

Accordingly, IT IS ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion for Judgment by Default is hereby **GRANTED**, and Judgment shall be entered against Video Post Productions, Inc. 401(k) Profit Sharing Plan. Based on the Affidavit

of Mark Underwood submitted in support of the Motion for Default Judgment, the Court hereby appoints Lefoldt & Company, P.A. as the independent fiduciary to administer the Plan in order to effectuate the Plan's termination and the distribution of the Plan's assets to the participants and beneficiaries.

Date: December 6, 2006  
Kansas City, Missouri

**S/ FERNANDO J. GAITAN, JR.**  
Fernando J. Gaitan, Jr.  
United States District Judge